

**MUTUAL SETTLEMENT
AND RELEASE AGREEMENT**

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This Mutual Settlement and Release Agreement is made and entered into this 30th day of ~~October~~ ^{May}, 2002, by and between the Idaho State Board of Hearing Aid Dealers & Fitters (hereinafter referred to as the "Board"), and Richard J. Davis (hereinafter referred to as "Davis").

W I T N E S S E T H:

WHEREAS, the Board commenced an action against Davis for alleged wrongful conduct in the practice of hearing aid dealing and fitting under Case Nos. HAD-P3-04-99-008 and HAD-P3-04-99-009;

WHEREAS, in December 2001, the Board determined that Davis had undertaken certain conduct in violation of the Hearing Aid Dealers & Fitters Act and ordered that he be disciplined, including the payment of certain fines, costs and attorney's fees incurred, and the reimbursement of the costs of a hearing aid; and

WHEREAS, Davis appealed the Board's decision to the District Court of the Sixth Judicial District of the State of Idaho for Bannock County under Case No. CV-OC-02-00123A.

NOW, THEREFORE, the parties wish to amicably settle their claims relating to the above-described matter, and in consideration of the recitals and agreements contained in this Agreement, agree as follows:

1. That Davis and the Board agree to the entry of a Final Order in the Hearing Aid Dealers & Fitters proceeding described above in the form attached hereto as Exhibit "A" and incorporated herein by this reference.

2. That the parties completely release and forever discharge the other from and against any and all claims of every kind, name and nature, known or unknown, related to the allegations set

forth in the above-described Hearing Aid Dealers & Fitters proceeding and the proceeding before the Sixth Judicial District of the State of Idaho for Bannock County. Davis further agrees to waive any rights he may possess for judicial review of the Final Order of the Board attached hereto as Exhibit "A."

3. The Mutual Settlement and Release Agreement and Exhibit "A" contain the entire agreement between the parties.

4. Davis agrees to fully undertake and comply with the terms and obligations set forth in the Final Order of the Board attached hereto as Exhibit "A."

5. Each of the parties shall bear their own costs and attorney's fees related to the above-described legal action in the Sixth Judicial District of the State of Idaho for Bannock County.

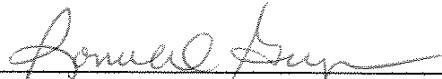
6. If it is necessary to enforce the provisions of this Agreement in court, the prevailing party shall be entitled to their costs and attorney's fees incurred from the non-prevailing party.

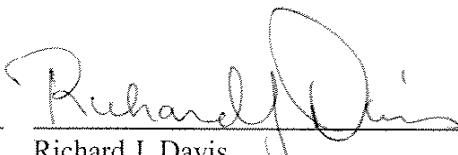
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first above written.

IDAHO STATE BOARD OF HEARING
AID DEALERS & FITTERS

By 
Chairman

APPROVED AS TO FORM:


Ronald S. George
Attorney for Richard J. Davis


Richard J. Davis

Exh. A - Final Order

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